

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Barry Scott Michaelson,

Petitioner,

v.

Michelle Smith,

Respondent.

Case No. 14-cv-3151 MJD/FLN

ORDER

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated July 29, 2015, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that

1. Respondent's motion to dismiss (ECF No. 5) is **GRANTED**;
2. Petitioner's petition for habeas corpus relief under 28 U.S.C. § 2254 (ECF No. 1) is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: August 28, 2015

s/Michael J. Davis  
MICHAEL J. DAVIS  
United States District Court Judge